

### REMARKS

In response to the Office action of December 16, 2005, applicant asks that all claims be allowed in view of the amendments to the claims and the following remarks. Claims 1-19 are pending, with claim 1 being independent. Claims 1-6, 9, 10, 12 and 13 have been amended and claims 16-19 have been added. No new matter has been introduced.

#### **Rejection under 35 U.S.C. § 102(b) over Osborn**

Claims 1-15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Osborn (U.S. Patent No. 6,026,391). Applicant requests reconsideration and withdrawal of the rejection because Osborn does not describe the features of independent claim 1. For example, Osborn does not describe or suggest applying a query received from a user against an identified universe of data content that is defined by prior browsing activities of the user and includes a limited subset of data content previously accessed by the user.

As amended, independent claim 1 recites a computer-implemented method of searching for particular online data content. The method includes receiving a query from a user requesting particular online data content. The method includes identifying a universe of data content against which to apply the received query. The universe of data content is defined by prior browsing activities of the user and includes a limited subset of data content that is defined by data content previously accessed by the user. The method includes searching the identified universe of data content for the particular online data content.

Osborn describes deriving an estimated CPU time for executing a present query based on actual CPU times recorded for past queries that accessed the same, or similar, tables and items in a database, as will be accessed for the present query. See Osborn at abstract. Past query information is collected and stored by a host computer in a query history. See Osborn at col. 2, lines 24-27. For each past query, the query history includes, *inter alia*, an identification of tables and columns accessed, an estimated cost for the query and an actual CPU time used in running the query. See Osborn at col. 2, lines 27-33. The tables and columns accessed by Osborn are tables and columns in a relational database, where each column of a given table represents a

particular data attribute and each row represents a specific record. See Osborn at col. 1, lines 10-15. For the present query, Osborn uses the query history to determine a past query that accessed the same, or similar, tables and items in the database as will be required for the present query. See Osborn at col. 2, lines 13-20. If an exact match is found between the present query and a past query, the recorded actual CPU time of the past query is used by Osborn as the estimated CPU time for the present query. See Osborn at col. 7, lines 10-16. If no exact match is found, Osborn extrapolates an estimated CPU time based on a weighted average of CPU times for the closest matching past queries. See Osborn at col. 7, lines 17-22. The estimated CPU time for the present query is then provided to the user to facilitate a decision on whether to proceed with the present query given the time it will take to process. See Osborn at col. 2, lines 37-49.

As such, Osborn accesses information related to past queries to enable a user to determine whether to run a present query. The past query information used by Osborn relates to CPU time to run a query that accesses the same, or similar, tables and columns in a relational database. The tables or columns in the database of Osborn are not defined by prior browsing activities of a user. Furthermore, the tables and columns in the database of Osborn are not accessed by any user, but rather are only accessed by the system. As such, the tables and columns in the database cannot be limited based on whether the tables and columns were previously accessed by a user. Moreover, Osborn does not require that the past query be requested by the same user as the user who has requested the present query. Thus, even assuming *arguendo*, that the tables or columns in the database were accessed by a user with respect to the past query, Osborn does not require that the tables or columns in the database were accessed by the same user who requested the present query. Therefore, Osborn necessarily fails to describe or suggest applying a query received from a user against an identified universe of data content that is defined by prior browsing activities of the user and includes a limited subset of data content previously accessed by the user, as recited in independent claim 1.

For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of independent claim 1, along with claims 2-19 that depend therefrom.

### **Rejection under 35 U.S.C. § 102(b) over Rubert**

Claims 1-15 also have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rubert (U.S. Patent No. 6,366,915 B1). Applicant requests reconsideration and withdrawal of the rejection because Rubert does not describe the features of independent claim 1. For example, Rubert does not describe or suggest applying a query received from a user against an identified universe of data content that is defined by prior browsing activities of the user and includes a limited subset of data content previously accessed by the user.

Rubert describes a system that determines whether it is necessary to execute a query to return accurate query results. See Rubert at abstract. More particularly, Rubert verifies an identity of a user to determine databases that the user is authorized to access, as well as queries that the user is authorized to execute. See Rubert at col. 2, lines 57-64. When the authorized query selected by the user is to be executed, the system determines whether current execution is actually necessary to return accurate query results. See Rubert at col. 2, lines 5-8. If current results are already available, the system returns the results without executing the query. See Rubert 8-10. If not, the system performs the query. See Rubert at col. 3, lines 10-14. Once results are received, the system notifies specified users of the query results and ensures that the query results will be available to the requesting user and others. See Rubert at col. 3, lines 15-18.

As such, Rubert describes a system that determines whether a particular query has already been executed, and if so, refers to the results of the previous execution rather than re-executing the query. There is no indication that when the query is executed, either presently or previously, Rubert applies the query against data content previously accessed by a user. Furthermore, Rubert does not distinguish between whether the query was previously executed in response to a query request by the same, or a different user, when determining whether to re-execute the query. Thus, Rubert does not describe searching for the query based on any association with the requesting user, much less searching for the query within data content previously accessed by the user who requested the search. As such, Rubert fails to describe or suggest applying a query received from a user against an identified universe of data content that

is defined by prior browsing activities of the user and includes a limited subset of data content previously accessed by the user, as recited in independent claim 1.

For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of independent claim 1, along with claims 2-19 that depend therefrom.

#### **New Claims 16-19**

New claims 16-19 depend directly or indirectly from independent claim 1. At least for the reason of that dependency and the reasons discussed above with respect to independent claim 1, applicant submits that claims 16-19 are allowable.

#### **Conclusion**

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Pursuant to 37 CFR §1.136, Applicant hereby petitions that the period for response to the action dated December 16, 2006, be extended for one month to and including April 17, 2006 (April 16, 2006 fell on Sunday).

Enclosed is a check for \$120 for the extension of time. Please apply any other charges or credits to deposit account 06 1050

Respectfully submitted,

Date: \_\_\_\_\_

4/17/2006

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